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PATENT

Attorney Docket No. 044574-5059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of **Albert B. Deisseroth et al.**)

Application No. **09/856,922**)

Filed: **August 5, 2002**)

For: **Plastin Promoter Directed Gene Therapy**)

Group Art Unit: **1632**

Examiner: **Scott D. Priebe**

U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

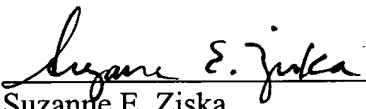
1. Transmitted herewith is an Amendment and Reply Under 37 C.F.R. § 1.111 in response to the non-final Office Action dated February 1, 2005.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. This request is being filed under the next business day rule on Monday, May 2, 2005 as the due date for responding fell on a Sunday (May 1, 2005). Applicants do not believe an extension of time is required with the filing of this response. However, if the Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. §1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	33	minus	34	0	\$50.00 each=	0.00
Independent Claims	1	minus	3	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						\$0.00

4. Additional papers submitted:
- (i) Change of Correspondence Address
 - (ii) Information Disclosure Statement Under 37 C.F.R. § 1.97(c)
 - (iii) Form PTO-1449 (five pages)
 - (iv) Copy of International Search Report (PCT/US99/28613)
 - (v) Copy of Supplementary Partial European Search Report (EP 99961918)
 - (vi) Copies of four articles (document numbers 48, 53, 54 and 65)
 - (vii) Submission of Formal Drawings
 - (viii) Ten sheets of formal drawings (Figures 1 to 7)
5. Fee Payment: The Commissioner is hereby authorized to charge **\$180.00** to Deposit Account No. 50-0310 for payment of the Information Disclosure Statement Fee.
6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **May 2, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


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AMENDMENT and REPLY UNDER 35 U.S.C. § 1.111

In response to the Office Action dated February 1, 2005, please amend this application as follows. The due date for reply, without any extension of time, is **May 1, 2005**. May 1, 2005 is a Sunday, and therefore, this amendment and response is timely filed the next business day, **Monday, May 2, 2005**.

Amendments to the Claims are reflected in the listing of the claims which begins at page 3 of this paper.

Amendments to the Specification begin on page 2 of the paper.

Remarks/Arguments begin on page 7 of this paper.